IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM NO. 54353-M of 2005
DATE OF DECISION. 21.11.2006.

Davinder Singh .....Petitioner

Versus

State of Punjab .....Respondent

CORAM HON'BLE MR. JUSTICE AJAI LAMBA

PRESENT Mr. PS Grewal, Advocate.
Mr. Eklavya Kumar, AAG, Punjab.

AJAI LAMBA , J(Oral)

This is a petition under Section 438 of the Code of Criminal Procedure for bail in a case lodged under Section 304 IPC.

The incident as reflected in the FIR shows that an accident took place, however, Section 304 IPC has been invoked. Vide order dated 29.9.2005 it was directed that the petitioner would surrender before the investigating officer on or before October 5, 2005 and join investigation.

Learned counsel appearing for the respondent / State states that the Investigating Officer has not come.

Considering the period during this the petitioner has been on bail as also the nature of offence, the petition is allowed. Order dated dated September 29, 2005 is hereby made absolute and it is directed that in the event of arrest, the petitioner shall be enlarged on bail on furnishing of bail bonds to the satisfaction of the Arresting / Investigating Officer, subject to the following conditions:-

i) the petitioner shall make himself available for interrogation as and when required;

ii) the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from

disclosing such facts to the Court or to any police officer; and

iii) the petitioner shall not leave India without the previous permission of the court.

This order shall enure till 10 days after the petitioner receives a notice of filing of final report under Section 173 Cr.P.C , within which period the petitioner would be at liberty to apply for regular bail.

November21,2006 **(AJAI LAMBA)**

mamta **JUDGE**